



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,943	06/08/2001	Ken Alan Berkun	PU010083	9074

25096 7590 12/02/2004

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER

BENGZON, GREG C

ART UNIT	PAPER NUMBER
----------	--------------

2144

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,943

Applicant(s)

BERKUN ET AL.

Examiner

Greg Bengzon

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This application has been examined. Claims 1-17 are pending.

Priority

This application claims benefit of priority from provisional application 60/252273 (November 21, 2000) .

The effective date of the subject matter described in the pending claims in this application is November 21,2000.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on September 13, 2001 was filed after the mailing date of the application on June 8, 2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

The information disclosure statement (IDS) submitted on July 23 2003 was filed after the mailing date of the application on June 8, 2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

Art Unit: 2144

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,5-11, 13-17 rejected under 35 U.S.C. 102(b) as being anticipated by Srivastava et al. (US Patent 654922) hereinafter referred to as Srivastava.

With respect to Claim 1, Srivastava discloses a method for enhancing metadata associated with media on a communications network, said method comprising the steps of: parsing said metadata associated with said media into at least one field of metadata; (Column 1 Lines 40-65, Column 2 Lines 40-65) comparing each of said at least one field of metadata with at least one field of valid metadata, each field of metadata compared with each field of valid metadata being a compared field; (Column 5 Lines 1-5) and modifying said metadata if said compared field does not match at least one field of valid metadata. (Column 6 Lines 15-20)

With respect to Claim 2, Srivastava discloses a method in accordance with claim 1, wherein said step of modifying said metadata comprise at least one of replacing said compared field with a corresponding field of said valid metadata, correcting said compared field in accordance with a corresponding field of said valid metadata, and adding at least one field of metadata to said metadata. (Column 1 Lines 40-65, Column 2 Lines 40-65)

Art Unit: 2144

With respect to Claim 3, Srivastava discloses a method in accordance with claim 1, wherein said valid metadata is obtained from at least one of a multimedia file, a streaming media file, a uniform resource indicator (URI), a database, a media file header, a media file footer, a metatag, and a transport stream (Column 3 Lines 1-10 Column 4 Lines 30-60)

With respect to Claim 5, Srivastava discloses a method in accordance with claim 1, wherein said media comprises at least one of an extension selected from the group consisting of ram, .rm, rpm, .mov, .qif.wma, .cmr, .avi, .swf, .swl .mpg, .mpa, .mp1, .mp2, .mp3, m3a, and .m3u. (Column 1 Lines 20-50 Column 4 Lines 30-60)

With respect to Claim 6, Srivastava discloses a method in accordance with claim 1, wherein said metadata comprise elements related to at least one of content of the media, intellectual property rights associated with the media, and instantiation of the media.(Column 2 Lines 20-40)

With respect to Claim 7, Srivastava discloses a method in accordance with claim 1, wherein said media comprises at least one of multimedia and streaming media. (Column 2 Lines 20-40 Column 4 Lines 30-60)

With respect to Claim 8, Srivastava discloses a method in accordance with claim 1, wherein said communications network is a computer network.(Figure 1)

With respect to Claim 9, the applicant discloses a system with the same limitations described in Claim 1. Claim 9 is therefore rejected on the same basis as Claim 1.

Art Unit: 2144

With respect to Claim 10, the applicant discloses a program readable medium with the same limitations described in Claim 1. Claim 10 is therefore rejected on the same basis as Claim 1.

With respect to Claim 11, the applicant discloses a data signal with the same limitations described in Claim 1. Claim 11 is therefore rejected on the same basis as Claim 1.

With respect to Claim 13, Srivastava discloses a data signal in accordance with claim 11, wherein said media comprises at least one of an extension selected from the group consisting of .ram, .rm, .rpm, .mov, .qif, .wma, .cmr, .avi, .swf, .swl, .mpg, .mpa, .mp1, .mp2, .mp3, m3a, and .m3u (Column 1 Lines 20-50 Column 4 Lines 30-60)

With respect to Claim 14, Srivastava discloses a data signal in accordance with claim 11, wherein said modify metadata code segment performs at least one of replacing said compared field with a corresponding field of said valid metadata, correcting said compared field in accordance with a corresponding field of said valid metadata, and adding at least one field of metadata to said metadata. (Column 1 Lines 40-65, Column 2 Lines 40-65 Column 5 Lines 1-5 Column 6 Lines 15-20)

With respect to Claim 15, Srivastava discloses a data signal in accordance with claim 11, wherein said valid metadata is obtained from at least one of a multimedia file, a streaming media file, a uniform resource indicator (URI), a database, a media file

Art Unit: 2144

header, a media file footer, a metatag, and a transport stream. (Column 3 Lines 1-10
Column 4 Lines 30-60)

With respect to Claim 16, Srivastava discloses a data signal in accordance with claim 11, wherein said metadata comprise elements related to at least one of content of the media, intellectual property rights associated with the media, and instantiation of the media. (Column 2 Lines 20-40)

With respect to Claim 17, Srivastava discloses a data signal in accordance with claim 11, wherein said media is at least one of streaming media and multimedia files formatted in at least one of a plurality of formats. (Column 1 Lines 40-60, Column 2 Lines 25-40 Column 4 Lines 30-60)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava et al. (US Patent 654922) hereinafter referred to as Srivastava, in view of Chu et al. (US Patent 6943720) hereinafter referred to as Chu.

With respect to Claim 4, Srivastava discloses a method in accordance with claim 1, further comprising the steps of: receiving said metadata and corresponding media files, wherein said corresponding media files are formatted in at least one of a plurality of formats; providing media files formatted in the same format and associated metadata to a corresponding format specific metadata extractor; (Figure 1, Column 2 Lines 40-65, Column 4 Lines 30-60, Column 5 Lines 1-5, Column 6 Lines 15-20)

With respect to Claim 12, Srivastava discloses a data signal in accordance with claim 11, further comprising: a receive code segment for receiving said metadata and corresponding media files, wherein said media files are formatted in at least one of a plurality of formats; a distribute code segment for providing media files formatted in the same format and associated metadata to a corresponding format specific metadata extractor;

However, with respect to Claim 4, Srivastava does not disclose determining if a media file is valid; and if said media file is not valid, performing said step of comparing at a predetermined time in the future. With respect to Claim 12, Srivastava does not disclose a validity code segment for determining if a media file is valid; and if said media file is not valid, a reschedule code segment for performing said step of comparing at a predetermined time in the future.

Chu discloses a method for a metadata synchronizer wherein, at specified intervals, an object is monitored to identify changes to metadata of that object. The

Art Unit: 2144

method may be used to check if the URL describing the location of a media file is still working after a certain period of time. (Abstract, Column 7 Lines 35-65)

Srivastava and Chu are analogous art because they present concepts and practices regarding extraction, update and management of metadata associated with media files. It is respectfully suggested that at the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate a monitoring schedule for checking the validity of metadata related to a media file as taught by Chu into the method and system described by Srivastava. The suggested motivation would have been, as Chu suggests, to allow for situations wherein the system enables users to add or modify metadata for objects in a database. Additionally, some systems may store the metadata for the objects in multiple locations. If the metadata stored at one location changes, the metadata stored at other locations is no longer in synch. Monitoring the media files for validity results in timely updates to the metadata for the media files before the users can detect the inconsistencies in the system.

Therefore it would have been obvious to combine Chu with Srivastava for the benefit of increased metadata reliability and increased user desire to reuse the system repeatedly, to obtain the invention as specified in Claims 4 and 12.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclose PTO-892 form.

Art Unit: 2144

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571)272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcb



WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2400